

# OFFICIAL GAZETTE

## GOVERNMENT OF GOA

### SUPPLEMENT

#### GOVERNMENT OF GOA

Goa Legislature Secretariat

LA/E-9/179/2002

The following Bill which was introduced in the Legislative Assembly of the State of Goa on 14-1-2002 is hereby published for general information in pursuance of the provisions of Rule-138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

#### The Goa Ground Water Regulation Bill, 2002

( Bill No. 1 of 2002)

A

BILL

*to regulate and control the development of ground water resources and matters connected therewith.*

BE it enacted by the Legislative Assembly of Goa in the Fifty Second Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be called the Goa Ground Water Regulation Act, 2002.

(2) It extends to the whole of the State of Goa.

(3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

2. *Definitions.*— In this Act, unless the context otherwise requires,—

(a) "Act" means the Goa Ground Water Regulation Act, 2002;

(b) "Cell" means the ground water cell constituted under the Act;

(c) "Government" means the Government of Goa;

(d) "ground water" means the water under the surface of the earth regardless of the geological structure in which it is stationery or moving and includes all ground water reservoirs;

(e) "Ground Water Officer" means the Ground Water Officer authorised and/or appointed by the Government to perform the functions of the Ground Water Officer under this Act;

(f) "prescribed" means prescribed by rules made under this Act;

(g) "sink" with all its grammatical variations and cognate expressions in relation to a well shall include any digging, drilling or boring of a well or deepening carried out to the existing wells;

(h) "source of water" means the water which exists in the nallahs, wells, rivulets, rivers, lakes, ponds, borewells, tubewells, canals, springs, etc;

(i) "user of ground water" means the person or persons or an institution including

a company or an establishment, whether Government or not, who or which own or use or draw ground water for any purpose, including domestic, industrial, environmental, ecological and agricultural use, made either on a personal, institutional or community basis;

(j) "well" means a well sunk for the search or extraction of ground water by person or persons except by the authorised Officials of the State or Central Government's, for carrying out scientific investigations, exploration, development or management work for the survey and assessment of ground water resources and includes open well, dug well, sunk well, bore well, tube well, tank, pond, dug-cum-borewell, filter point, collector well and infiltration gallery.

3. *Constitution of ground Water cell.*— (1) The Government shall constitute a ground water cell for carrying out the purposes of this Act.

(2) The Chief Engineer of the Department of Water Resources of the Government shall be the ex-officio Head of the cell besides other members who may be appointed by the Government.

(3) The Government, in consultation with the Cell, may designate, by notification, any person serving in connection with the affairs of the Government including any person serving in the Cell itself, as the Ground Water Officer for the purposes of this Act.

(4) The Ground Water Officer shall function under the direct control and superintendence of the Cell.

4. *Declaration of Scheduled, Water Scarcity and over exploited areas.*— (1) Having regard to the potential of availability of ground water and other relevant factors, the Government, in consultation with the Cell, may declare, by notification, any area in the State as a Scheduled area.

(2) Having regard to the quantum and pattern of rainfall and other relevant factors, the Government, in consultation with the Cell, may declare, by notification, any area in the State as Water Scarcity area for a period not exceeding six months at a time.

(3) Having regard to the depleted levels of water table and other relevant factors, the Government, in consultation with the Cell, may declare, by notification, any area in the State as an over exploited area.

5. *Registration of existing well and permission for sinking a new well in the Scheduled area.*— (1) The user of an existing well in a Scheduled area shall, within a period of sixty days from the date of commencement of this Act, apply to the Ground Water Officer for registration of an existing well, in the prescribed form and manner:

Provided that the Ground Water Officer may entertain any application for registration of an existing well after the expiry of the said period of sixty days, on payment of such late fee as may be prescribed, if he is satisfied that the owner of the existing well was prevented by sufficient cause from filing the application in time.

(2) The details to be furnished in an application under sub-section (1) shall include the following, namely:—

(i) the description of the source of water, such as type of wells, its exact location;

(ii) the lifting device used;

(iii) the quantity of drawal of ground water and hours of operation per day;

(iv) the total period of use in each year;

(v) the purpose or purposes for which ground water is being extracted;

(vi) in case of irrigation well, the location and extent of area irrigated;

(vii) in case of State, municipalities or community run water supply schemes, the details of the services involved in addition to the quantities of water extracted, the diversion or pumping points and their locations;

(viii) the year of construction and the year of commissioning.

(3) No person shall sink a well in a Scheduled area unless he has obtained permission in this behalf from the Ground Water Officer. Any

person desirous of sinking a well shall apply, in the prescribed form and manner, to the Ground Water Officer for grant of permission and shall not proceed with any activity connected with sinking of the well unless permission is granted to him by the Ground Water Officer.

(4) On receipt of an application under sub-section (1) or sub-section (3), if the Ground Water Officer is satisfied that it shall not be against the public interest to do so, he may grant, a certificate of registration of an existing well authorising the continued use of the well or grant permission for the sinking of new well, as the case may be, subject to such conditions and restrictions and collection of such charges as may be prescribed from time to time:

Provided that no person shall be refused a certificate of registration of an existing well or permission for sinking a new well unless he has been given an opportunity of being heard.

(5) The decision regarding the grant or refusal of the certificate of registration, or grant or refusal of permission, as the case may be, shall be intimated by the Ground Water Officer to the applicant as far as possible within a period of 90 days from the date of receipt of application. Where it is not possible for the Ground Water Officer to grant the certificate of registration of an existing well or to grant permission for sinking a new well, as the case may be, the Ground Water Officer shall intimate the reasons therefor to the applicant so that he may make a fresh application after curing the defects if any specified therein.

(6) In granting or refusing a certificate of registration or granting or refusing permission under sub-section (4), in the prescribed form and manner the Ground Water Officer shall have regard to:—

- (a) the purpose or purposes for which the water is to be used or well is to be sunk;
- (b) the existence of other competitive users;
- (c) the existence of other wells in the locality;
- (d) the availability of ground water;
- (e) quality of ground water with reference to the use;
- (f) spacing of the ground water structures keeping in consideration the purpose for which water is to be used;

(g) long term ground water behaviour;

(h) the lifting devices proposes to be used;

(i) the quantity of ground water withdrawal and hours of operation per day;

(j) the effect of water availability in the nearby well; and

(k) any other relevant or connected factors.

(7) The certificate of registration in respect of an existing well or the permission for sinking a new well shall be valid for a maximum period of five years from the date of issue of the certificate of registration or the permission, as the case may be, and after expiry of the period of five years, the well shall have to be freshly registered in accordance with the procedure laid down herein.

(8) If a registered well, whether an existing well or a newly sunk well, becomes defunct, this fact should be immediately brought to the notice of the Ground Water Officer, by the user of the ground water of the said well.

6. *Grant of permission to transport ground water in the Scheduled area.*— (1) No person shall transport ground water from a source of water in Scheduled area, more than 30,000 litres annually, by any means of surface transport or by pipeline without the permission of the Ground Water Officer.

(2) Any person desirous of transporting more than 30,000 litres of ground water annually from a source of water in a Scheduled area by any means of surface transport or by pipeline shall apply, in the prescribed form and manner, to the Ground Water Officer for the grant of permission and shall not proceed with any activity connected with the transportation unless permission has been granted by the Ground Water Officer.

(3) On receipt of an application under sub-section (2), if the Ground Water Officer is satisfied that it shall be in the public interest to do so, he may grant permission for transporting the ground water, subject to such terms, conditions and restrictions as may be prescribed, or refuse to grant the permission:

Provided that no permission shall be refused unless the applicant has been given an opportunity of being heard.

(4) The decision regarding the grant or refusal of permission shall be intimated by the Ground Water Officer to the applicant as far as possible within a period of 90 days from the date of receipt of the application. Where it is not possible for the Ground Water Officer to grant the permission for transportation of ground water, the Ground Water Officer shall intimate the reasons therefor to the applicant so that he may make a fresh application after curing the defects if any specified therein.

(5) In granting or refusing to grant permission under sub-section (3), the Ground Water Officer shall have regard to the following matters, namely:—

(a) the purpose or purposes for which permission to transport ground water is sought;

(b) the existence of other competitive users;

(c) the existence of other wells in the locality;

(d) the availability of ground water;

(e) the quality of ground water with reference to use;

(f) the long term ground water behaviour;

(g) the lifting device proposed to be used;

(h) the quantity of ground water drawal and hours of operation per day;

(i) the effect on the availability of water in the nearby well;

(j) any other relevant or connected factor.

(6) Every permission granted under sub-section (3) shall be valid for a maximum period of one year and after expiry of said period of one year, the permission, if required again, shall have to be freshly applied for, in accordance with the procedure laid down herein.

7. *Powers to alter, amend or vary the terms of registrations and permissions.*— At any time after the grant of registration or permission under section 5 or section 6 as the case may be, the Ground Water Officer may, for technical reasons,

alter, amend or vary the terms of the registration or permission after providing the holder of registration or permission, as the case may be, an opportunity of being heard.

8. *Cancellation of permission/certificate of registration.*— If the Ground Water Officer is satisfied, either on a reference made to him in this behalf or otherwise, that:—

(a) the registration or permission granted under section 5 or section 6, as the case may be, is not based on true facts; or

(b) the holder of the registration, or permission, as the case may be, has, without a reasonable cause, failed to comply with the conditions subject to which the registration or permission had been granted or contravened any provisions of this Act or the rules made thereunder; or

(c) a situation has arisen which warrants limiting the use or extraction of ground water, without prejudice to any penalty to which the holder of the registration or permission, as the case may be, may be liable under this Act, the Ground Water Officer may, after giving the holder of the registration or permission, as the case may be, an opportunity to show cause, by order, cancel the registration or permission, as the case may be.

9. *Protective measures in Water Scarcity Areas or over exploited areas.*— (1) Upon declaration of any area as Water Scarcity area or as over exploited area, the Ground Water Officer may, for the duration of the period for which the area remains so declared, by order,—

(a) prohibit the sinking of new wells in such area for any other purpose other than drinking, except with the permission of the Ground Water Officer, and the procedure laid down in section 5 of this Act shall, *mutatis mutandis*, apply to the disposal of an application received for sinking a well in that area for the said duration:

Provided that no restriction shall be imposed in a water scarcity area to the sinking of a well on behalf of the Government or a local authority for being used as a public drinking water source:

Provided further that the Ground Water Officer shall grant the permission to sink a well subject to,—

(i) the condition that the Ground Water Officer may, for reasons to be recorded in writing, by order, prohibit, restrict or regulate the extraction of water from such a well for such a period as may be specified in such order, if, in his opinion, it is necessary to do so in the public interest; and

(ii) such other conditions and restrictions as may be prescribed,

(b) prohibit the extraction of water or impose such restrictions as may be considered necessary on the drawal of water from any existing well in such area if it is found to be adversely affecting any public drinking water source.

10. *Protective measures in over exploited Areas.*— (1) Upon declaration of any area as an over exploited area,—

(a) no person shall sink a well in that area unless he has obtained the permission of the Ground Water Officer and the procedure laid down in section 5 of this Act shall, *mutatis mutandis*, apply to the receipt and disposal of an application received for sinking a well in that area:

Provided that no restrictions shall be imposed in an over exploited area to the sinking of a well on behalf of the Government or a local authority for being used as a public drinking water source:

Provided further that the Ground Water Officer shall grant the permission to sink a well in that area subject to,—

(i) the condition that the Ground Water Officer may, for reasons to be recorded in writing, by order, prohibit, restrict or regulate the extraction of water from such a well for such period as may be specified in such an order, if, in his opinion, it is necessary to do so in the public interest; and

(ii) such other conditions and restrictions as may be prescribed,

(b) the Ground Water Officer may prohibit, by order, the extraction of water from any

existing well during the period of six months from 1st February to 31st July, every year.

11. *Closing down of existing well in over exploited area.*— If an existing well is found to be adversely affecting any public drinking water source, the Ground Water Officer may, by order, after giving the owner a reasonable opportunity of being heard, direct him to stop the extraction of water forthwith and close or seal the well, either temporarily or permanently, having regard to the extent to which it so adversely affects.

12. *Payment of compensation for closing down an existing well in over exploited area.*— Where an order of permanently closing down or sealing of an existing well is made under section 11, the Ground Water Officer may, on making such enquiry and requiring the owner to produce such evidence as he may deem necessary, make an order for payment of compensation which shall be not less than the market value of the well and structures thereon and the provisions of the Land Acquisition Act, 1894 (Central Act 1 of 1894), with regard to the determination of compensation of the well shall apply in determining the market value of the well under this section as though the well is sought to be acquired under that Act. No such compensation shall be paid in the case of temporary closing down of an existing well in an over exploited area:

Provided that, in the case of closing down of an existing well, permanently or temporarily, in an over exploited area, if water from that well was being used for irrigating crops standing at the time of making such an order, the compensation for such crops which shall be the market value of the standing crops based on the average yield of the preceding three years, shall be payable under this section:

Provided further that, if, for any reason, any well which had been permanently closed or sealed, is allowed to be re-opened for extracting of water therefrom, any subsequent order made for permanently sealing or closing down such well again, shall not entitle the owner thereof to claim compensation for the well and the structures thereon except the compensation for the standing crops which shall be determined as aforesaid in the forgoing proviso.

13. *Power of Ground Water Officer.*— (1) The Ground Water Officer or any person authorized

by him in writing in this behalf, shall have the following powers, namely:—

(a) to enter on any property (private or Government) with the right to investigate and make any measurements concerning the land or water located on the surface or underground;

(b) to inspect the well which has been or is being sunk and the soils and materials excavated therefrom;

(c) to take specimens of such soils or other materials or of water extracted from such wells;

(d) to require, by order in writing, the person sinking a well to keep and preserve in the prescribed manner specimens of soils or any materials excavated therefrom for such period not exceeding three months from the date of completion or abandonment of the work as may be specified by the Ground Water Officer and thereupon such person shall comply with such order;

(e) to inspect and to take copies of the relevant record or documents and ask any question necessary for obtaining information (including diameter or depth of the well which is being sunk; the level at which the water is or was struck and subsequently restored/rested, the type of strata encountered in sinking of the well and the quality of the water struck) required for carrying out the purposes of this Act;

(f) to require the user of ground water to install water measuring device on any water supplies when necessary to properly administer the water or where there is a reason to believe that the user does not comply with the provisions contained in this Act or any other sufficient reason for defending the public interest:

Provided that where the user of ground water doesn't comply with the requisition issued to him within a period of thirty days, the Ground Water Officer may install such water measuring device and recover the cost from the defaulting user of ground water;

(g) to seize and keep custody of any equipment/ device utilised for illegal sinking

and close the work executed, partly or fully;

(h) to require any user of ground water, who does not comply with the provisions of this Act and the rules framed thereunder, to close down any water supply or destroy any hydraulic work found to be illegal according to the provisions of this Act and the rules framed thereunder:

Provided that where the user of ground water does not comply with the requisition issued to him within a period of thirty days, the Ground Water Officer may himself carry out the necessary work and recover the cost from the illegal user as arrears of land revenue;

(i) to enter and search with assistance, if any, as he considers necessary, any place in which the Ground Water Officer has reason to believe that offence under this Act has been or is being committed and order in writing the person who has been or is committing the offence not to extract or use the ground water for a specified period;

(j) to exercise such other powers as may be necessary for carrying out the purposes of this Act or any rules made thereunder;

(k) to advise the State Electricity Department for withdrawing/stopping power supply to the existing well in case of violation of any provision of this Act;

(l) to monitor that the State Electricity Department does not energise the wells without clearance from the Ground Water Officer;

(m) to close the use of toilet/septic tank/soak pit if it is found that it is polluting the well.

(2) The power conferred by this section includes the power to break open the door of any premise where sinking, extraction and use of ground water may be going on:

Provided that the power to break open the door shall be exercised only after the owner or any other person in the occupation of the premises, if he is present therein, refuses to open the door on being called to do so,

(3) The provisions of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), shall so

far as may be, apply to any search or seizure under this section as they apply to any search or seizure made under the authority of a warrant issued under section 93 of the said Code.

14. *Powers of the Ground Water Officer regarding closure of the well and seizure of materials and equipment.*— (1) On a complaint made or otherwise, about any contravention of any of the provisions of this Act, the Ground Water Officer may, by an order in writing, call upon the owner or the person in possession of the well to stop the extraction of water and any other contravention forthwith.

(2) Where the owner or person in possession of the well fails to comply with the order given under sub-section (1), the Ground Water Officer or an Officer duly authorised by him, may enter upon the land, remove obstructions, if any, close the pumping of water, disconnect the power supply, seize any material or equipment used with such extraction of water and take such action as may be required, and may close or seal the well.

(3) The closure of a well shall be made and a list of all materials and equipments seized shall be prepared in the manner prescribed.

(4) Where the Ground Water Officer or an Officer authorised by him has closed or sealed the well under sub-section (2), the cost incurred thereof shall be recovered from such owner or person as arrears of land revenue.

15. *Service of orders, etc.*— (1) Every Order under this Act shall be served,—

(a) by giving or tendering the order or notice or by sending it by post to the user for whom it is intended; or

(b) if the user cannot be found, by affixing the order or notice on some conspicuous part of his last known abode or place of business or by giving or tendering the order or notice to some adult male member of his family or servant or by causing it to be affixed on some conspicuous part of the land or building in which the well is being sunk.

(2) Where the person on whom the order or notice is to be served is a minor, service upon his guardian in the manner provided in sub-section (1) shall be deemed to be notice served upon the minor.

16. *Protection against action taken in good faith.*— No prosecution, suit or other legal proceedings shall be instituted against the Government, the Ground Water Officer or his authorised representatives for anything done or intended to be done in good faith under this Act, or the rules made thereunder.

17. *Offences and penalties.*—

(A) For non-receipt of information:

If any user,—

(a) contravenes or fails to comply with any of the provisions of this Act or rules made thereunder, in supplying information as prescribed; or

(b) obstructs the Ground Water Officer or any other person authorised by him to exercise any powers under this Act,

he shall be punishable—

(i) for the first offence, with fine which may extend to rupees one thousand; and

(ii) for the second and subsequent offence, with fine which may extend to rupees two thousand, every time.

(B) For illegal sinking/construction and/or use of wells and/or transportation of water and/or polluting and contaminating ground water:

If any user—

(a) contravenes or fails to comply with any of the provisions of this Act or any rule made thereunder;

(b) obstructs the Ground Water Officer or any other person authorised by him to exercise the powers under this Act,

he shall be punishable—

(i) for the first offence, with fine which may extend to rupees five thousand;

(ii) for the second and subsequent offence, with imprisonment for a term which may extend to six months and or with fine which may extend upto rupees ten thousand, every time.



18. *Compounding of Offences.*— Any offence under this Act may be compounded by the Ground Water Officer, either before or after the institution of proceedings, subject to such conditions as may be prescribed.

19. *Offences by Companies.*— Whenever an offence under this Act has been committed by a Company, every person who, at the time the offence is committed, was in charge of, or was responsible to the Company for the conduct of the business of the Company, shall be deemed to be guilty of the offences and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this section shall render any such person liable to any punishment under this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

*Explanation.*— For the purpose of this section, "Company" means any body corporate and includes a firm or other association of individuals.

20. *Appeals.*— (1) Any person aggrieved by a decision or action of the Ground Water Officer under this Act, may, within a period of thirty days from the date on which the action is taken or the decision is communicated to him and on payment of such fees as may be prescribed, prefer an appeal to the prescribed authority:

Provided that the prescribed authority may entertain an appeal after the expiry of the said period of thirty days, if it is satisfied that the applicant was prevented by sufficient cause from filing the appeal in time.

(2) On receipt of an appeal under sub-section (1), the prescribed authority shall, after giving the appellant an opportunity of being heard, dispose of the appeal as expeditiously as possible.

21. *Requisition of wells.*— (1) The Ground Water Officer may, in public interest, for providing water for drinking purposes, requisition any well or water source from its owner after due notice in such a manner and in such form as may be prescribed and for such period as may be specified in the order but in no case exceeding six months at a time.

(2) For a well requisitioned under sub-section (1), a compensation for the use of the well for extraction of water therefrom shall be paid to the owner, and such compensation shall be decided by the Ground Water Officer.

(3) In determining the compensation to be awarded for the compulsory requisitioning of a well or a water source under this Act, the Ground Water Officer shall take into consideration,—

(a) the market value of the standing crop, if any, based on average yield of the preceding three years;

(b) the damage sustained by the owner of the well or the water source by depriving him of the use thereof; and

(c) the generation charges including wear and tear of the pump and other accessories in cases where the Ground Water Officer decides to retain such facilities while requisitioning the well or the water source.

22. *Power to charge fees.*— The Government may charge such fees as may be prescribed for any permission granted under this Act.

23. *Protection measures for public drinking water source and existing ground water structures in non-scheduled areas.*— (1) Having regard to the interest of the general public to have supply of the requisite quantity of water for drinking purposes from the drinking water sources and to protect the existing ground water structures used for drinking and other essential purposes, no person shall sink any well for any purpose in the vicinity of the drinking water source within a distance of one hundred metres of such source or ground water structure. No person shall extract for the purpose of transporting water from a well if another well or ground water source is located within a limit of one hundred metres.

(2) A person desirous of sinking a well for any purpose, within a distance of one hundred metres of a drinking water source or existing ground water structure, may do so only with the prior permission of the Ground Water Officer.

(3) A person desirous of transporting ground water from a well, if another well is located within a distance of one hundred metres of a



drinking water source or ground water structure, may do so only with the prior permission of the Ground Water Officer.

(4) An application made for the permission under sub-section (2) or sub-section (3) shall be made to the Ground Water Officer in the prescribed form and manner and the procedure laid down for grant of permission to sinking of a well or transportation of water in a Scheduled area under sections 5 or 6 of this Act, shall, *mutatis mutandis*, apply to an application made for sinking of a well or transportation of water in a non-scheduled area:

Provided that every permission granted under this section shall be subject to:—

(a) the condition that the Ground Water Officer may, for reasons to be recorded in writing, by order, prohibit, restrict or regulate from time to time the extraction of water from such well if in his opinion it is necessary to do so in the public interest;

(b) such conditions and restriction, as may be prescribed.

24. *Offences under this Act to be cognizable.*—

(1) Any offence punishable under this Act shall be cognizable offence within the meaning of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

(2) No court shall take cognizance of any offence punishable under this Act, except upon a complaint in writing by the Ground Water Officer or an Officer generally or specially authorised by the Government in this behalf.

25. *Provisions of this Act to have overriding effect.*— The provisions of this Act and the orders issued or made under this Act shall have effect not withstanding anything to the contrary contained in any other law for the time being in force.

26. *Power to make rules.*— (1) The Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for:—

(a) the form and manner in which application shall be made under this Act;

(b) the form and manner in which orders shall be passed by the Ground Water Officer;

(c) the manner in which the specimens of soils or other materials shall be kept and preserved;

(d) conditions subject to which offences may be compounded;

(e) prescribing the authority to hear appeals;

(f) the fees to be charged under the Act;

(g) any other matter which is to be or may be prescribed.

27. *Laying of the notifications and rules before the Legislative Assembly.*— All notifications and rules made under this Act shall be laid before the Legislative Assembly as soon as may be when the Legislative Assembly is in session and if not in session, immediately on reassembly of the Legislative Assembly and the Legislative Assembly shall have power to annul or modify the notification or rules so laid by a resolution adopted for that purpose. On adoption of a resolution for annulment or modification of any notification or any rule, the notification or the rule shall be of no effect or shall stand modified accordingly.

### Statement of Objects and Reasons

Concentrated development of ground water for industrial purposes is affecting the streams by effluent seepages and thereby affecting the traditional age old irrigation systems. Also, commercial exploitation and transportation of the ground water is affecting the public and private drinking water sources in the vicinity. It is, therefore, required to protect ground water resources against contamination and pollution and ensure optimum and sustainable development of ground water resources.

This Bill seeks to achieve the above objects.

Panaji - Goa.

RAMAKANT KHALAP

January 2002.

Minister for Water Resources

## Financial Memorandum

LA/E-9/179/2002

For implementing the Ground Water Legislation and related essential ground water disciplines (monitoring of ground water levels, chemical quality, pollution, watershedwise/basinwise ground water assessment, sustainable development and management) there is a need for setting up of Ground Water Cell headed by the Chief Engineer, Water Resources Department and other members who are to be appointed by the Government.

It is proposed to meet the entire needs of the Ground Water Cell from the existing staff of the Water Resources Department by administrative re-organisation of the said Department. Chemical analysis of water samples shall be got done through existing chemical/public health laboratories of State Pollution Control Board/Health Department/Public Works Department.

As such, there may not be any additional financial implications.

### Memorandum Regarding Delegated Legislation

Clause 1(3) of the Bill empowers the Government to appoint a date by way of Notification for bringing into force of the Act.

Clause 3 of the Bill empowers the Government for constitution of Ground Water Cell and to authorise/appoint Ground Water Officer.

Clause 4 of the Bill empowers the Government to declare Scheduled area, water scarcity area and over exploited area.

Clause 22 of the Bill empowers the Government to charge fees for any permission to be granted under this Act.

Clause 26 of the Bill empowers the Government to frame rules to carry out the purposes of the Act.

Assembly Hall,  
Porvorim, Goa.  
January, 2002.

R. KOTHANDARAMAN  
Secretary (Legislature)

The following Bill which was introduced in the Legislative Assembly of the State of Goa on 14-1-2002 is hereby published for general information in pursuance of the provisions of Rule-138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

### The Goa Employment (Conditions of Service) and Retirement Benefit (Amendment) Bill, 2002

(Bill No. 2 of 2002)

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BILL

*further to amend the Goa Employment (Conditions of Service) and Retirement Benefit Act, 2001 (Act 35 of 2001).*

BE it enacted by the Legislative Assembly of Goa, in the Fifty-second Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Employment (Conditions of Service) and Retirement Benefit (Amendment) Act, 2002.

(2) It shall be deemed to have come into force with effect from 19-9-2001.

2. *Amendment of section 1.*— In section 1 of the Goa Employment (Conditions of Service) and Retirement Benefit Act, 2001 (Goa Act 35 of 2001) (hereinafter referred to as the "principal Act"), in sub-section (3), the following provisos shall be inserted, namely:—

"Provided that the Government may, by notification, appoint different dates for different types of industrial establishment:

Provided further that if the Government considers it necessary or expedient to do so, it may postpone or relax to such extent as may be mentioned in the notification, the operation of all or any of the provisions of this Act for such period not exceeding beyond one year from the date on which this Act shall come into force".

3. *Amendment of section 2.*— In section 2 of the principal Act,—

(i) in clause (n), sub-clauses (a) to (h) shall be re-numbered as sub-clauses (i) to (viii) thereof and after sub-clause (viii) as so re-numbered, the following sub-clause shall be inserted, namely:—

"(ix) a factory as defined under the provisions of the Factories Act, 1948 (Central Act 63 of 1948),";

(ii) after clause (p), the following clause shall be inserted, namely:—

"(pp) "registering officer" means any officer as may be notified by the Government in this regard for the purpose of sub-section (1) of section 3 of this Act,".

4. *Amendment of section 3.*— In section 3 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

"(3) A workman who loses the identity card issued to him under sub-section (2) shall immediately make a report about the loss of the identity card to the competent authority as well as to the employer and shall apply for a duplicate card on payment of prescribed charges".

5. *Substitution of section 6.*— For section 6 of the principal Act, the following section shall be substituted, namely:—

"6. *Cessation of contribution.*— No contribution by an employer shall be required to be made in accordance with the provisions of section 8 in respect of a workman who has been registered under this Act and issued such identity card after he secures a job of permanent nature having completed 240 days of work as continuous service in any factory or industrial establishment, operation or process or in any public undertaking".

6. *Amendment of section 8.*— In section 8 of the principal Act, for the expression "within 3 days from the pay day", the expression "within 21 days from the pay day" shall be substituted.

7. *Amendment of section 9.*— In section 9 of the principal Act, the title of the section shall be substituted as "Payment of benefit" and the following paragraph shall be added at the end, namely:—

"Any workman eligible for the above payment shall apply in the prescribed manner to the com-

petent authority and the competent authority shall, after having satisfied itself about the claim, effect the payment, in such manner as may be prescribed,".

8. *Amendment of section 11.*— In section 11 of the principal Act, for the existing title "Offences", the title "Mode of recovery" shall be substituted.

9. *Amendment of section 12.*— In section 12 of the principal Act, the title thereof shall be omitted and said section 12 shall be re-numbered as sub-section (3) of section 11.

10. *Amendment of section 13.*— Section 13 of the principal Act shall be re-numbered as section 12 thereof and after section 12 as so re-numbered, the following sections shall be inserted, namely:—

"13. *Other offences.*— If any person contravenes any of the provisions of this Act or of any rules made thereunder for which no other penalty is elsewhere provided, he shall be punishable with fine which may extend to two thousand rupees.

13-A. *Cognizance of offences.*— No court shall take cognizance of a complaint against an employer under the Act, except on a complaint made by or with the previous sanction in writing of an Inspector under this Act within six months from the date on which the offence or contravention is alleged to have been committed".

11. *Repeal and saving.*— (1) The Goa Employment (Conditions of Service) and Retirement Benefit (Amendment) Ordinance, 2001 (Ordinance No. 4 of 2001), is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the principal Act as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act.

#### Statement of Objects and Reasons

After the Goa Employment (Conditions of Service) and Retirement Benefit Act, 2001 (Act 35 of 2001) was passed, certain practical difficulties were faced in the implementation of the Act and which are required to be removed, so also it was felt necessary to carry out certain amendments for better clarity. Matters having been discussed with the employers and workers, the Government was convinced that the Act will have to be brought into force in a

phased manner. Taking into consideration all such aspects and not to further delay the enforcement, the Governor of Goa promulgated the Goa Employment (Conditions of Service) and Retirement Benefit (Amendment) Ordinance, 2001 (Ordinance No. 4 of 2001) on 19-9-2001.

This Bill seeks to replace the said Ordinance.

#### Financial Memorandum

No financial implications are involved in this Bill.

#### Memorandum Regarding Delegated Legislation

Proposed proviso to sub-section (3) of section 1 of the Act, 2001, empowers the Government to issue a notification appointing different dates for bringing into force the provisions of the act in respect of different types of industrial establishments.

Proposed new clause (pp) to section 2 of the Act empowers the Government to notify any officer as a registering officer.

Proposed new paragraph to section 9 of the Act empowers the Government to frame rules to specify the form of application and the manner of payment.

These delegations are of normal character.

Assembly Hall,  
7th January, 2002.

DR. SURESH AMONKAR  
Minister for Labour

R. KOTHANDARAMAN  
Secretary, Legislature

#### ANNEXURE

##### Extracts of Goa Employment (Conditions of Service) and Retirement Benefit Act, 2001

1. *Short title, extent, commencement and application.* — (1) This Act may be called the Goa Employment (Conditions of Service) and Retirement Benefit Act, 2001.

(3) It shall come into force on such date as the Government may by notification in the Official Gazette, appoint.

2. *Interpretations.* — In this Act, unless there is any thing repugnant in the subject or Context—

(n) "industrial establishment" means any establishment, operation or process, belonging to or under the control of the Government, local authority, any body corporate or firm, an individual or association or other body of individuals and includes:-

(a) a shop or commercial establishment defined under the Goa, Daman and Diu Shops and Establishments Act, 1973 (Act 13 of 1974);

(h) any other establishment or class of establishments which the State Government may, having regard to the nature thereof, the need for protection of persons employed therein and other relevant circumstances, specify, by notification in the Official Gazette but shall not include an establishment in employment in agriculture or a self employed professional in establishment;

(p) "prescribed" means prescribed by rules made under this Act,

3. *Registration of workman.* — (2) Any person seeking employment in any establishment, operation or process or in any such employment in the State of Goa shall have to get himself registered with competent authority and shall be issued an identity card giving such details as may be notified by the Government in this behalf indicating the specimen of such identity card.

6. *Cessation as a Beneficiary.* — A workman who has been registered under this Act and issued such identity card shall cease to be a beneficiary after he secures a job of permanent nature having completed 240 days of work as continuous service in any factory or industrial establishment, operation or process or in any public undertaking.

8. *Contribution.* — Every employer engaging workman with such identity card shall Deposit in the Government Treasury an amount equivalent to 5% of the total gross wages of the workman every month within 3 days from the pay day as employer's contribution towards retirement benefit and such deposits shall be made in the Government Treasury under such head of account as may be notified by the Government in the Official Gazette.

9. *Mode of Payment.* — The contribution made by such employer in respect of a Workman in such workman's account and deposited with the Government shall become payable alongwith the accrued interest to such workman on his attaining the age of fifty years; or his dependent, heirs, as the case may be, in case of death of the workman before he attains the age of fifty years whichever is earlier.

11. *Offences.* — (1) An amount payable under the provisions of section 8 of this Act to be deposited with the Government, if not deposited by an employer, the same shall be recover by the competent authority, from such employer as arrears of land revenue alongwith additional amount equivalent to the amount payable.

(2) Any amount which has not been so deposited as required under the provisions of this Act, shall be recovered upon issuance of recovery certificate to be issued by the Commissioner or such other officer notified to be a Commissioner under section 2(d) of this Act.

12. *Recovery.*— If a contractor engaging any workman fails to make a deposit within the prescribed period or makes short payments, then the principle employer shall be liable to deposit such amount in the Government treasury in full or the unpaid balance, as the case may be, and shall be entitled to recover the amount from the said contractor, either by deductions from any amount payable to the contractor under any contract or as a debt payable by the contractor.

13. *Penalty.*— An employer who engages any workman without his possessing an identity card, for a wage period exceeding one such wage period shall constitute an offence under this Act punishable with a fine which may extend to rupees five thousand.

LA/E-9/179/2002

The following Bill which was introduced in the Legislative Assembly of the State of Goa on 15-1-2002 is hereby published for general information in pursuance of the provisions of Rule-138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

### The Goa School Education (Amendment) Bill, 2002

(Bill No. 3 of 2002)

A

BILL

*further to amend the Goa, Daman and Diu School Education Act, 1984 (Goa Act 15 of 1985).*

BE it enacted by Legislative Assembly of Goa in the Fifty-second Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa School Education (Amendment) Act, 2002.

(2) Section 2 (i) of this Act shall be deemed to have come into force with effect from 14-11-1986; and

Section 2 (ii) of this Act shall be deemed to have come into force with effect from 3-9-2001.

2. *Amendment of section 11.*— In section 11 of the Goa, Daman and Diu School Education Act, 1984 (Act 15 of 1985) hereinafter referred to as the "principal Act".

(i) in sub-section (1), both the provisos thereof shall be omitted;

(ii) after sub-section (1), the following sub-section shall be inserted, namely:—

"(1A) Notwithstanding anything contained in any other provision of this Act or the rules framed thereunder or any law for the time being in force or any notification, regulation, decree, Order, Circular, Judgment or instructions, every employee of a recognized private school, aided or not shall retire at the age of 58 years".

3. *Repeal and saving.*— (1) The Goa School Education (Amendment) Ordinance, 2001 (Ordinance No. 6 of 2001), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act.

### Statement of Objects and Reasons

The Goa School Education (Amendment) Ordinance, 2001 (Ordinance No. 6 of 2001) was promulgated by the Governor of Goa on 1-11-2001 thereby amending section 11 of the Goa, Daman and Diu School Education Act, 1984 (Act 15 of 1985) so as to bring parity in respect of date of retirement of teachers working in the Government and recognized private schools, aided or not, so also to create greater employment opportunities and to reduce the financial liabilities on the ex-chequer by reducing the age of retirement of teachers by two years.

This Bill seeks to replace the said Ordinance.

### Financial Memorandum

No financial implications are involved in this Bill.

**Memorandum Regarding Delegated Legislation**

No delegated legislation is envisaged in this Bill.

Panaji Goa,  
7th January, 2002.

MANOHAR PARRIKAR  
Minister for Education

Assembly Hall,  
Porvorim Goa.

R. KOTHANDARAMAN  
Secretary (Legislature)

**ANNEXURE****Extract of section 11 of the Goa School Education Act  
1984 (Act 15 of 1985)**

11. Terms and conditions of service of employees of recognized private schools. The Government may make rules regulating the recruitment, minimum qualification for recruitment, and the conditions of service of employees of recognized private schools:

Provided that neither the salary nor the right in respect of leave of absence, age of retirement and pension of an employee in the employment of an existing school at the commencement of this Act shall be varied to the disadvantage of such employee:

Provided further that every such employee shall be entitled to opt for the terms and conditions of service as were applicable to him immediately before the commencement of this Act.

Assembly Hall,  
Porvorim Goa.  
December, 2001.

R. KOTHANDARAMAN  
Secretary (Legislature)

LA/E-9/179/2002

The following Bill which was introduced in the Legislative Assembly of the State of Goa on 14-1-2002 is hereby published for general information in pursuance of the provisions of Rule-138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

**The Goa Marine Fishing Regulation**

(Relaxation of Time Limit for Registration of Vessels) Bill, 2002

(Bill No. 4 of 2002)

A

**BILL**

*to relax the time limit for registration of vessels under the Goa, Daman and Diu Marine Fishing Regulation Act, 1980.*

BE it enacted by the Legislative Assembly of Goa in the Fifty-second Year of the Republic of India as follows:—

**1. Short title, commencement and duration.—**

(1) This Act may be called the Goa Marine Fishing Regulation (Relaxation of Time Limit for Registration of Vessels) Act, 2002.

(2) It shall be deemed to have come into force with effect from 21-11-2001.

(3) It shall remain in force for a period of ninety days from the date of its coming into force.

**2. Relaxation of time limit for registration of unregistered fishing vessels.—** Notwithstanding anything contained in clauses (a) and (b) of sub-section (2) of section 12 of the Goa, Daman and Diu Marine Fishing Regulation Act, 1980 (Act 3 of 1981) (hereinafter referred to as the "said Act"),—

(i) every application for registration of the fishing vessels under the said Act shall be made by the owner of the unregistered fishing vessel, with relevant documents, within ninety days from the date of coming into force of this Act;

(ii) the authorised officer as defined in the said Act, shall consider all the applications which have been received by him after the expiry of the stipulated period under clause (b) of sub-section (2) of section 12 of the said Act, and in case such applications meet with all the requisite requirements, register the same under the said Act on payment of penalty charges of Rs. 2000/- for vessels upto 50 H.P. and Rs. 5000/- for vessels above 50 H.P.

**3. Repeal and saving.—** (1) The Goa Marine Fishing Regulation (Relaxation of time limit for Registration of vessels) Ordinance, 2001 (Ordinance No. 9 of 2001), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in exercise of any powers conferred by or under the said Ordinance, shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act as if this Act were in force on the day on which such thing or action was done or taken.

### Statement of Objects and Reasons

There are around eighty fishing vessels in the State which are not registered under the Goa, Daman and Diu Marine Fishing Regulation Act, 1980 (Act 3 of 1981), as the owners could not register the vessel within the time limit stipulated under sub-section (2) of section 12 of the aforesaid Act, mostly due to ignorance. There is no provision in the said Act to register such vessels after the expiry of the stipulated time limit. The vessels are operated without registration and the owners are also deprived of many benefits under the different Schemes. Other statutory authorities like the Customs, coastguards, etc. also find it difficult to identify such unregistered vessels and the crew members therein during surveillance. Hence, the Goa Marine Fishing Regulation (Relaxation of the limit for registration of vessels) Ordinance, 2001 (Ordinance No. 9 of 2001), was promulgated by the Governor of Goa on 21-11-2001, so as to provide a time limit of ninety days to such owners to register their vessels under the said Act, 1980, on payment of penalty charges as specified therein.

This Bill seeks to replace the said Ordinance.

### Financial Memorandum

No financial implications are involved in this Bill.

### Memorandum Regarding Delegated Legislation

No delegated legislation is involved in this Bill.

Porvorim,  
January, 2002.

SHRI PRAKASH VELIP  
Honourable Minister  
for Fisheries

LA/E-9/179/2002

The following Bill which was introduced in the Legislative Assembly of the State of Goa on 15-1-2002 is hereby published for general information in pursuance of the provisions of Rule-138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

### The Goa Salaries and Allowances of Ministers (Amendment) Bill, 2002

(Bill No. 5 of 2002)

### A BILL

*further to amend the Goa Salaries and Allowances of Ministers Act, 1964 (Act 3 of 1965).*

BE it enacted by the Legislative Assembly of Goa in the Fifty-second year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Salaries and Allowances of Ministers (Amendment) Act, 2002.

(2) It shall come into force with effect from 1-2-2002.

2. *Amendment of section 4.*— In section 4 of the Goa Salaries and Allowances of Ministers Act, 1964 (Act 3 of 1965), the expression, "and in addition, a sum equal to the electricity and water charges, if any, paid by him in respect of his place of residence" shall be omitted.

### Statement of Objects and Reasons

In terms of section 4 of the Goa Salaries and Allowances of Ministers Act, 1964 (Act 3 of 1965), each Minister shall be entitled without any payment, to the use and maintenance of a furnished residence throughout his term of office and for a period of fifteen days immediately thereafter, and so long as such residence is not provided, to a compensatory allowance of seven thousand rupees per month and in addition, a sum equal to the electricity and water charges, if any, paid by him in respect of his place of residence.

The matter has now been re-considered by the Government and it is noted that payment of Rs. 7000/- per month as compensatory allowance is in lieu of rent free accommodation and its maintenance. Hence, further provision for payment of electricity and water charges in respect of the personally owned residence of the Minister is not justified. It is, therefore, proposed to suitably amend section 4 of the Goa Salaries and Allowances of Ministers Act, 1964 (Act 3 of 1965) so as to do away with the aforesaid



provision relating to payment of electricity and water charges in respect of the personally owned residence of the Ministers.

This Bill seeks to achieve the above object.

#### Financial Memorandum

There is no financial implication involved in the proposed Amendment, as it is proposed to suitably amend the section 4 of the Goa Salaries and Allowances of Ministers Act, 1964 (Act 3 of 1965) so as to do away with the aforesaid provision relating to payment of electricity and water charges in respect of the personally owned residence of the Ministers.

#### Memorandum regarding Delegated Legislation

No delegated Legislation is involved in this Bill.

Panaji, Goa.  
9th January, 2002.

MANOHAR PARRIKAR  
Chief Minister  
Panaji-Goa.

Assembly Hall,  
Porvorim-Goa.  
9th January, 2002.

R. KOTHANDARAMAN  
Secretary (Legislature).

#### ANNEXURE

##### Extract from the Goa Salaries and Allowances of Ministers Act, 1964 (Act 3 of 1965)

#### SECTION 4

4. *Residence of Minister.*— Each Minister shall be entitled, without any payment, to the use and maintenance of a furnished residence throughout his term of office and for a period of fifteen days immediately thereafter, and so long as such residence is not provided, to a compensatory allowance of seven thousand rupees per month, and in addition, a sum equal to the electricity and water charges, if any, paid by him in respect of his place of residence".

*Explanation.*— for the purpose of this Section,—

- (i) 'residence' includes the staff quarters and other buildings appurtenant thereto and the garden thereof but does not include such portion of the residence or buildings appurtenant thereto as is exclusively set apart for use as office at the residence and is used as such;

- (ii) "maintenance" in relation to a residence includes payment of local rates and taxes and provision of electricity and water, which shall be paid by the Government."

Assembly Hall,  
Porvorim.

R. KOTHANDARAMAN  
Secretary to the  
9th January, 2002. Legislative Assembly of Goa

LA/E-9/179/2002

The following Bill which was introduced in the Legislative Assembly of the State of Goa on 17-1-2002 is hereby published for general information in pursuance of the provisions of Rule-138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

#### The Goa Appropriation Bill, 2002

(Bill No. 6 of 2002)

A

BILL

*to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Goa for the services and purposes of the financial year 2001-02.*

BE it enacted by the Legislative Assembly of Goa in the Fifty-second Year of the Republic of India as follows:—

1. *Short title.*— This Act may be called the Goa Appropriation Act, 2002.

2. *Issue of Rs. 2,14,44,67,000 out of the Consolidated Fund of the State of Goa for the financial year 2001-02.*— From and out of the Consolidated Fund of the State of Goa, there may be paid and applied sums not exceeding those specified in column (5) of the Schedule amounting in the aggregate to the sums of two hundred fourteen crores forty-four lakhs and sixty-seven thousand rupees towards defraying the several charges which will come in the course of payment during the financial year 2001-2002 in respect of the services and purposes specified in column (2) of the Schedule.

3. *Appropriation.*— The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Goa under this Act, shall be appropriated for the services and purposes expressed in the Schedule in relation to the said financial year.

THE SCHEDULE  
(See sections 2 and 3)

(Rs in lakhs)

Demand No.	Services and purposes	Sums not exceeding		Total
		Voted by Assembly	Charged on the Consolidated Fund of the State of Goa	
(1)	(2)	(3)	(4)	(5)
1	Legislature Secretariat	78.50	3.00	81.50
A1	Raj Bhavan	—	20.71	20.71
2	General Administration and Coordination	79.76	—	79.76
3	District and Session Court, North Goa	2.20	—	2.20
5	Prosecution	25.00	—	25.00
6	Election Office	146.15	—	146.15
7	Settlement and Land Records	37.50	—	37.50
8	Treasury and Accounts Administration, North Goa	3690.00	—	3690.00
13	Transport	623.78	—	623.78
17	Police	156.12	—	156.12
18	Jails	15.40	—	15.40
19	Industries and Mines	360.25	—	360.25
20	Printing and Stationery	12.00	—	12.00
21	Public Works	1755.34	17.42	1772.76
22	Vigilance	8.50	—	8.50
23	Home	9.27	—	9.27
25	Home Guards and Civil Defence	17.23	—	17.23
26	Fire and Emergency Services	6.00	—	6.00
31	Panchayats	85.00	—	85.00
33	Revenue	0.20	—	0.20
34	School Education	1.70	—	1.70
36	Technical Education	10.00	—	10.00
37	Government Polytechnic, Panaji	16.47	—	16.47
38	Government Polytechnic, Bicholim	3.00	—	3.00
39	Government Polytechnic, Curchorem	3.00	—	3.00
40	Goa College of Engineering	96.12	—	96.12
41	Goa Architecture College	4.00	—	4.00
42	Sports and Youth Affairs	320.00	1.38	321.38
43	Art and Culture	340.41	—	340.41
48	Health Services	307.96	—	307.96

(1)	(2)	(3)	(4)	(5)
52	Labour	8.58	—	8.58
55	Municipal Administration	1.91	—	1.91
57	Social Welfare	1970.00	—	1970.00
58	Women and Child Development	59.98	—	59.98
59	Factories and Boilers	10.00	—	10.00
64	Agriculture	83.25	—	83.25
65	Animal Husbandry and Veterinary	16.89	—	16.89
68	Forests	32.48	—	32.48
71	Cooperation	300.00	—	300.00
72	Science, Technology and Environment	55.00	—	55.00
73	State Election	95.00	—	95.00
74	Water Resources	1400.00	22.43	1422.43
76	Electricity	8804.00	—	8804.00
77	River Navigation	120.00	—	120.00
78	Tourism	210.00	1.78	211.78
TOTAL		21377.95	66.72	21444.67

### Statement of Objects and Reasons

The Supplementary Demands for Grants for the year 2001-2002 (Second Batch) was presented to the Legislative Assembly on the 14th January, 2002. This Bill is introduced in pursuance of Article 204 read with Article 205 of the Constitution of India to provide for the appropriation of certain further sums of the Consolidated Fund of the State of Goa to meet the expenditure on certain services granted by the Legislative Assembly for those services.

Panaji,  
January, 2002.

MANOHAR PARRIKAR  
Chief Minister

### Governor's Recommendation

The Governor has, in pursuance of Article 207 of the Constitution of India, recommended to the Legislative Assembly, the introduction and consideration of the Bill.

LA/E-9/179/2002

The following Bill which was introduced in the Legislative Assembly of the State of Goa on 15-1-2002 is hereby published for general information in pursuance of the provisions of Rule-138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

**The Indian Partnership (Goa Amendment)  
Bill, 2002**

(Bill No. 7 of 2002)

A

BILL

*further to amend the Indian Partnership Act, 1932, in its application to the State of Goa.*

BE it enacted by the Legislative Assembly of Goa in the Fifty-second Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Indian Partnership (Goa Amendment) Act, 2002.

(2) It extends to the whole of the State of Goa.

(3) It shall come into force at once.

2. *Amendment of Schedule I.*— In the Indian Partnership Act, 1932 (Central Act 9 of 1932), as in force in the State of Goa, for Schedule I, the following shall be substituted, namely:—

**SCHEDULE I  
Maximum Fees**

[See sub-section (1) of section 71]

- |   |                         |
|---|-------------------------|
| (1) For statement under section 58  | ... Rupees seventy.     |
| (2) Statement under section 60, 61 and 62   | ... Rupees twenty.      |
| (3) Notice under section 63   | ... Rupees twenty-five. |
| (4) Application under section 64  | ... Rupees thirty-five. |
| (5) Inspection of volume under section 66 (1) for inspecting one volume of register | ... Rupees fifteen.     |
| (6) For inspection of all documents relating to one firm.                           | ... Rupees thirty.      |

- (7) Copies from the Registrar of Firms, other than by xerox. ... Rupees twenty.

**Statement of Objects and Reasons**

Rule 16 of the Goa, Daman and Diu Partnership Rules, 1979, lays down the fees payable to the Registrar of Firms in respect of various documents specified therein. As these fees were prescribed more than 20 years back, it is proposed to revise the same taking into consideration the escalation in the expenditure towards permanently preserving the records, binding, microfilming, etc.

However, in terms of proviso to sub-section (1) of section 71 of the Indian Partnership Act, 1932 (9 of 1932), the fees prescribed by the State Government by rules under sub-section (1) of said section 71 of the Act, 1932, shall not exceed the maximum fees specified in Schedule I to the Act, 1932.

It is, therefore, proposed to suitably amend Schedule I to the Act, 1932, in its application to the State of Goa.

This Bill seeks to achieve the above objects.

**Financial Memorandum**

There is no additional expenditure involved for carrying out above amendment. The revenue of the ex-chequer is likely to increase, which can be utilised towards better preservation of the records by binding/microfilming, etc.

**Memorandum Regarding Delegated Legislation**

No delegated Legislation is envisaged in this Bill.

Porvorim.  
11th January, 2002.

R. D. KHALAP  
Law Minister

Assembly Hall,  
Porvorim-Goa.

R. KOTHANDARAMAN  
Secretary (Legislature)

Governor's Recommendation under Article 207  
of the Constitution of India

In pursuance of Article 207 of the Constitution of India, I, Mohd. Fazal, Governor of Goa hereby recommends to the Legislative Assembly of Goa, the introduction and consideration of the Indian Partnership (Goa Amendment) Bill, 2002.

## ANNEXURE

## Extract of the Indian Partnership Act, 1932

## SCHEDULE I

## Maximum Fees

[See sub-section (1) of Sec. 71]

Document or Act in respect of which the fee is payable	Maximum fee
Statement under section 58	... Three rupees
Statement under section 60	... One rupee
Intimation under section 61	... One rupee
Intimation under section 62	... One rupee
Notice under section 63	... One rupee
Application under section 64	... One rupee
Inspection of the Register of firms under sub-section (2) of section 66.	... Eight annas for inspecting one volume of the Register.
Inspection of documents relating to a firm under sub-section (1) of section 66.	... Eight annas for the inspection of the documents relating to the one firm.
Copies from the Register of Firms	... Four annas for each hundred words or part thereof.

LA/E-9/179/2002

The following Bill which was introduced in the Legislative Assembly of the State of Goa on 15-1-2002 is hereby published for general information in pursuance of the provisions of Rule-138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa Legislative Diploma No. 2070 dated  
15-4-1961 (Amendment) Bill, 2002

(Bill No. 8 of 2002)

A

## BILL

further to amend the Legislative Diploma No. 2070 dated 15-4-1961, in its application to the State of Goa.

BE it enacted by the Legislative Assembly of Goa in the Fifty-second Year of Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Legislative Diploma No. 2070 dated 15-4-1961 (Amendment) Act, 2002.

(2) It shall be deemed to have come into force on the 28th September, 2001.

2. *Amendment of Article 372-A.*— In Article 372-A of the Legislative Diploma No. 2070 dated 15-4-1961,—

(i) in clause (1), for the figures and word "90 days", the figures and word "196 days" shall be substituted;

(ii) in clause (2), (a) for the figures and word "90 days" the figures and word "196 days" shall be substituted;

(b) in the proviso, for the words "one year", wherever they occur, the words "one year and six months" shall be substituted.

3. *Repeal and saving.*— (1) The Goa Legislative Diploma No. 2070 dated 15-4-1961 (Third Amendment) Ordinance, 2001 (Ordinance No. 5 of 2001), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance, shall be deemed to have been done or taken under the Principal Act as amended by this Act.

## Statement of Objects and Reasons

In terms of Article 372-A of the Legislative Diploma No. 2070 dated 15-4-1961, an application for regularisation of unauthorised occupation or wrongful possession or

encroachment of land vested in a Comunidade and of the residential house shall be made to the Collector of the concerned district within a period of 90 days from the date on which the said Article 372-A came into effect. However, on account of certain administrative difficulties, the rules for the purpose of said Article 372-A could not be finalised and hence the Goa Legislative Diploma No. 2070 dated 15-4-1961 (Third Amendment) Ordinance, 2001 (Ordinance No. 5 of 2001) was promulgated by the Governor of Goa on 28-9-2001 so as to amend the said Article 372-A thereby increasing the period for making application from existing 90 days to 180 days. Further, the Government extended the said time limit by 16 days from 26-12-2001 to 10-1-2002 in public interest. Further, vide said Ordinance, the period of stay of any proceedings initiated or of any order passed under the Code or the period during which no proceeding can be initiated or no order can be passed under the Code, has been increased from existing one year to one year and six months.

This bill seeks to replace the said Ordinance.

#### Financial Memorandum

No financial implications are involved in this Bill.

#### Memorandum Regarding Delegated Legislation

No delegated legislation is envisaged in this Bill.

Porvorim Goa. JOSE PHILIP D'SOUZA  
11<sup>th</sup> January, 2002. Minister for Revenue

Assembly Hall, R. KOTHANDARAMAN  
Porvorim - Goa. Secretary (Legislature)  
11<sup>th</sup> January, 2002.

#### ANNEXURE

Extract of Article 372-A of the Goa Legislative  
Diploma No. 2070 dated 15-4-1961.

"Article 372-A. Regularisation of unauthorised occupation, wrongful possession, etc.— (1)

Notwithstanding anything contained, elsewhere in this Code, or any other law for the time being in force, or in any instrument, judgement decree or order, or any court or law, any person who is in unauthorised occupation of, or in wrongful possession of, or who has encroached upon, in or over, any land,—

(a) vested in Comunidade, or

(b) to the use or occupation of which he is not entitled or has ceased to be entitled, by reason of:

(i) any of the provision of this Code, or

(ii) the expiry of the period of lease or termination of lease for breach of any of the conditions annexed to the tenure;

and has constructed, on or before 15-6-2000, a house, for residential purpose on such land shall, on an application made by him to the Collector of the concerned district, within a period of 90 days from the date on which the Article 372-A, came into effect, in the specified form, accompanied by specified documents, and on payment of specified fees, be entitled for the regularisation of such unauthorised occupation or wrongful possession or encroachment including of the said residential house, subject however to sub-clause (3) Article 372-A.

(2) From the date on which Article 372-A came into effect till the expiry of the period of 90 days prescribed under sub-clause (1) above or till the pendency and disposal of the application, if any, made under sub-clause (1) above, as the case may be:

(a) no proceeding shall be initiated and no order shall be passed, under this Code against a person who is eligible to apply for and whose case falls, under sub-clause (1) above, and

(b) all proceedings already initiated and any order already passed under this code, against a person who is eligible to apply for and whose case falls under sub-clause (1) above shall remain stayed during such period as prescribed above:

Provided that the period of stay of any proceeding initiated or of any order passed under this Code or the period during which no proceedings can be initiated or no order can be passed under this Code as stated above, shall not extend beyond a period of one year from

the date on which Article 372-A came into effect notwithstanding the fact that the said application made under sub-clause (1) above is not disposed off within the said period of one year.

(3) The form of application, fees payable, the procedure to be followed in processing/deciding the application under sub-clause (1) above, the documents required to be furnished along with an application under sub-clause (1) above, the area to be regularised, the fine to be imposed upon, for regularisation, if any, etc., shall be such as may be specified in the rules under the Code.

LA/E-9/179/2002

The following Bill which was introduced in the Legislative Assembly of the State of Goa on 15-1-2002 is hereby published for general information in pursuance of the provisions of Rule-138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

**The Goa Shops and Establishment  
(Amendment) Bill, 2002**

( Bill No. 9 of 2002 )

A

**BILL**

*further to amend the Goa, Daman and Diu Shops and Establishments Act, 1973.*

BE it enacted by the Legislative Assembly of Goa in the Fifty-second Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Shops and Establishments (Amendment) Act, 2002.

(2) It shall come into force at once.

2. *Amendment of section 3-A.* — In section 3-A of the Goa, Daman and Diu Shops and Establishments Act, 1973 (Act 13 of 1974), in sub-section (3) for letters and figures "Rs.10,000/-" the expression "Rs. 5,000/- in case of bank situated within the limits of a Municipal Council and Rs. 1,000/- in other cases" shall be substituted.

**Statement of Objects and Reasons**

The Goa, Daman and Diu Shops and Establishments Act, 1973 was last amended providing for registration of banks under the said Act on payment of registration fees of Rs. 25,000/- and further renewal thereof every year on payment of fees of Rs. 10,000/-. After the said amendment, Banks have made various representations against high fees specified thereof and considering them it is now decided to reduce the renewal fees to Rs. 5,000/- for banks situated within the limits of Municipal Council and Rs.1,000/- in case of banks at other places, from existing Rs.10,000/-.

This Bill seeks to achieve above objects.

**Financial Memorandum**

No financial burden is involved in this Bill.

**Memorandum Regarding Delegated Legislation**

No delegated legislation is envisaged in this Bill.

Panaji-Goa.  
10<sup>th</sup> Jan., 2002.

DR. SURESH AMONKAR,  
Minister for Labour

Assembly Hall,  
Porvorim-Goa,  
11<sup>th</sup> Jan., 2002.

R. KOTHANDARAMAN,  
Secretary(Legislature)

**ANNEXURE**

**Extract of the Goa, Daman and Diu Shops and Establishments Act, 1973**

4. *Insertion of new section 3-A.*— After section 3 of the principal Act, the following section shall be inserted, namely:—

"3-A. *Registration and renewal of the registration certificate in respect of Bank.*— (1) Within the period specified in sub-section (3) of section 3, every bank shall send to the Inspector concerned, a statement in the prescribed form together with the registration fees amounting to Rs. 25,000/- containing,—

(a) the name of the banks and its General Manager or Branch Manager or Regional Manager or Manager, as the case may be;

(b) the postal address of the bank;



(c) such other particulars as may be prescribed.

(2) On receipt of the Statement and the registration fees, the Inspector shall, on being satisfied about the correctness of the statement, register the bank in the register of establishments in such manner as may be prescribed and shall issue in the prescribed form a Registration Certificate to the bank which shall display it at a prominent place in the bank.

LA/E-9/179/2002

The following Bill which was introduced in the Legislative Assembly of the State of Goa on 16-1-2002 is hereby published for general information in pursuance of the provisions of Rule-138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

### The Goa Electricity Duty (Amendment) Bill, 2002

(Bill No. 10 of 2002)

A

BILL

*to amend the Goa, Daman and Diu Electricity Duty Act, 1986 (Act No. 7 of 1986)*

BE it enacted by the Legislative Assembly of Goa in the Fifty-second Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Electricity Duty (Amendment) Act, 2002.

(2) It shall be deemed to have come into force with effect from the 28<sup>th</sup> day of November, 2001.

2. *Amendment of section 3.*— In the Goa, Daman and Diu Electricity Duty Act, 1986 (Act No. 7 of 1986) (hereinafter referred to as the "principal Act"), in section 3, in sub-section (1), the following provision shall be inserted, namely:—

" Provided that the Government may, by notification in the Official Gazette, levy a duty at such other rate ~~or~~ rates or at a flat rate

for all types of consumers but not exceeding the maximum rates as specified in the said Schedule."

3. *Amendment of Schedule.*— In the Schedule appended to the principal Act,—

(a) in PART-C, for the figure "1", the figure "4" shall be substituted;

(b) in PART-E, for the figure "1", the figure "2" shall be substituted.

4. *Repeal and Saving.*— (1) The Goa Electricity Duty (Amendment) Ordinance, 2001 (Ordinance No. 8 of 2001), is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the principal Act as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act.

#### Statement of Objects and Reasons

At present the responsibility of providing and maintaining the public lighting is with the Electricity Department. The local authorities, i.e. Municipalities and the Village Panchayats, are not in a position to bear the energy charges towards public lighting and this financial burden also falls on the Electricity Department. In order to mobilise additional revenue to meet these expenses on providing and maintaining the public lighting, the Governor of Goa promulgated the Goa Electricity Duty (Amendment) Ordinance, 2001 (Ordinance No. 8 of 2001) on 28-11-2001, thereby empowering the Government to levy a duty at such other rate or rates or at a flat rate for all types of consumers but not exceeding the maximum rates as specified in the Schedule to the Act, by suitably amending sub-section (1) of section 3 and the Schedule to the said Act, 1986.

This Bill seeks to replace the said Ordinance.

Panaji Goa.  
11th January, 2002.

DIGAMBAR KAMAT  
Minister for Power

#### Financial Memorandum

By levy of Electricity Duty of 2 paise on all consumption for all type of consumers the Government is likely to earn on average an additional annual revenue of Rupees two crores.

# Memorandum Regarding Delegated Legislation

Proposed provision to sub-section (1) of section 3 of the Goa, Daman and Diu Electricity Duty Act, 1986 (Act No.7 of 1986) empowers the Government to levy, by notification in the Official Gazette a duty at such other rate or rates or at a flat rate for all types of consumers but not exceeding the maximum rates as specified in the schedule.

This delegation is of normal character.

Assembly Hall, R. KOTHANDARAMAN  
Porvorim-Goa, Secretary (Legislature)  
11th January, 2002.

## Governor's Recommendation under Article 207 of the Constitution of India

In pursuance of Article 207 of the Constitution of India, I, Mohd. Fazal, Governor of Goa hereby recommends to the Legislative Assembly, the introduction and consideration of the Bill.

### ANNEXURE

#### Extract of section 3 of the Goa, Daman and Diu Electricity Duty Act, 1986 (Act 7 of 1986)

3. *Duty on units of energy consumed.* — (1) Subject to the provisions of sub-section (2), there shall be levied and paid to the Government on the units of energy consumed, a duty at the rates specified in the schedule.

(2) No duty shall be leviable on the units of energy consumed,—

(i) by the Government (save in respect of premises used for residential purposes);

(ii) in respect of a hospital, or nursing home or dispensary, each of which when not maintained for private gains;

(iii) where the energy generated is at a voltage not exceeding 100 volts;

(iv) in respect of such industrial or agricultural purposes (other than residential or office purposes) in such areas and subject to each terms and conditions and for such period as the Government may, having regard to the need and conditions of industrial and agricultural development in the areas, by general or special order, specify in that behalf:

Provided that the Government may, either prospectively or retrospectively, by notification in the Official Gazette, exclude —

(a) any areas aforesaid or any part thereof (regard being had to the price of energy prevailing therein and to the state of industrial development thereof); or

(b) any new industrial undertaking, as may be specified in this behalf by the Government in such Notification; and thereupon the provision of this clause shall not apply in those areas or part thereof or in relation to such new industrial undertakings.

### SCHEDULE

(See section 3)

#### PART - A

I.

In respect of —

(i) Private houses, bungalows, clubs, hostels and hospitals run on non-commercial lines; charitable, education and religious institutions, etc. for lights, fans, radios, domestic heating and other household appliances—

Units consumed per month	paise/Unit
(a) For first 30 units	5
(b) For next 120 units	8
(c) For balance above 150 units	10

#### PART - B

In respect of—

Shops, offices, railway stations, hotels, restaurants, photographic studios, X-ray installations, laundries, drycleaners, cinemas, theatres, A.I.R. station and other commercial installations for lights, fans, radios, heating and other appliances -

Units consumed per month	paise/Unit
(d) For first 30 units	15
(e) For next 120 units	15
(f) For balance above 150 units	15

#### PART - C

In respect of —

General motive power service.

Units generated and consumed per month

paise/Unit

All units (for L.T. consumers) 1

All units (for H.T. consumers) 4

PART - D

LA/E-9/179/2002

In respect of —

Poultry, dairy, piggery, pisciculture, etc. for lights, fans, heating and other appliances —

Units consumed per month	paise/Unit
All units	5

PART - E

In respect of —

Irrigation pumping and agricultural purposes —

Units consumed per month	paise/Unit
All units	1

PART - F

In respect of —

Public lighting system including signal system and park lighting belonging to local authorities such as Municipalities/Panchayats, etc.—

Units consumed per month	paise/Unit
All units	

PART - G

In respect of —

Temporary supply for exhibitions or entertainments for private gains or for social functions or for any other purpose. —

Capacity of generator	Rs/KVA/day
Any capacity	2

II. Where any question arises to the part or clause in this schedule under which any consumption of energy falls, or where the energy is consumed for different purposes, what portion of consumption should be governed by such part of clause, the question shall be referred for decision to such authority, as the Government may by Notification in the Official Gazette, specify for the whole or any part of the Union Territory. The authority after inquiry as it deems fit shall record its decision.

An appeal shall lie against such decision to the Government, which shall be made within 60 days from the date of the decision.

Where no such appeal is made, the Government may, at any time *suo motu*, for the purpose of satisfying itself as to the legality or propriety of the decision of the authority, call for and examine the record of the case. If it appears to the Government that any decision so called for, should be modified annulled or reversed, the Government may, after giving the person affected thereby an opportunity of being heard, pass such order thereon as it thinks just.

The decision recorded by the authority, subject to any appeal to, or revision by the Government, and the order of the Government in appeal or revision shall be final.

The following Bill which was introduced in the Legislative Assembly of the State of Goa on 16-1-2002 is hereby published for general information in pursuance of the provisions of Rule-138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly:

The Goa (Prohibition of Further Payments and Recovery of Rebate Benefits) Bill, 2002

(Bill No. 11 of 2002)

A

BILL

to provide for the prohibition of further payments to and recovery of benefits availed, by certain consumers as 25% rebate under the Indian Electricity Act, 1910 (Central Act 9 of 1910).

Whereas the Government had vide a Notification No. 3/24/90-IND-Part (I) dated 30-9-1991, published in the Official Gazette, Series I No. 27 dated 3-10-1991, issued under Section 23 read with Section 51-A of the Indian Electricity Act, 1910 (Central Act 9 of 1910), directed that all industrial Units who apply for availing High Tension or Low Tension power supply on or after the 1st October, 1991, for bonafide industrial activities and certified by the Industries Department, Government of Goa as eligible for concessional tariffs, shall be entitled for a rebate of 25% in the tariffs chargeable under the Government Notification No. 2/20/1986-PS L&D dated 27-6-1988, published in the Official Gazette, Series I, No. 12, dated 28-6-1988, for a period of five years from the date on which the supply of electricity is made available to such units;

And whereas subsequently, the Government vide Notification No. 2/23/93-Power dated 15-5-1996 and No. 2/23/1993/Power, dated 1-8-1996, published in the Official Gazette, Series I No. II dated 13-6-1996 and the Official Gazette, Series I No. 18 dated 2-8-1996 respectively, first amended and then superseded the aforesaid Notification dated 30-9-1991 thereby enlarging the scope of the said Notification dated 30-9-1991, even though the said Notification dated 30-9-1991 was already rescinded vide

Notification No. 2/23/93-Power, dated 31-3-1995, published in the Official Gazette, Series I, No. 62, dated 31-3-1995.

And whereas the legality, validity and the propriety of the said two Government Notifications dated 15-5-1996 and dated 1-8-1996, issued in respect of 25% rebate to be granted to the Low Tension, High Tension and Extra High Tension industrial consumers, was brought in question in Writ Petition No. 316 of 1998 filed in the Hon'ble High Court of Bombay at Goa;

And whereas the Hon. High Court Bombay at Goa vide its Oral Judgement dated April, 19, 23 and 24, 2001, delivered in the said Writ Petition No. 316 of 1998, held that the said Notifications dated 15-5-1996 and 1-8-1996 cannot be termed as Government decisions on account of non-compliance of the Rules of Business framed under Article 166 (3) of the Constitution of India and, that therefore, these decisions are *non est* and *void ab initio* and that the consequential actions based on these Notifications are null and void;

And whereas certain consumers had availed of the benefits of rebate under the said Notifications dated 15-5-1996 and 1-8-1996;

And whereas it is deemed expedient to prohibit any further payments under the said Notifications dated 15-5-1996 and 1-8-1996 and to recover the benefits already availed of by certain consumers as 25% rebate in terms of the said Notifications.

BE it enacted by the Legislative Assembly of Goa in the Fifty-second Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa (Prohibition of Further Payments and Recovery of Rebate Benefits) Act, 2002.

(2) It shall come into force at once.

2. *Prohibition of further payments.*— Notwithstanding anything contained in the Indian Electricity Act, 1910 (Central Act 9 of 1910) or in any law for the time being in force or in any order, Notification, instrument, electricity tariff bill or in any Decree, order or Judgement of any Court, no industrial consumers or any person in the State of Goa, including low tension, high tension or extra high

tension, shall be entitled to receive, claim, demand or sue for the payment of any amount towards 25% rebate in the Electricity Tariff in terms of the Government Notification No 2/23/93-Power dated 15-5-1996, published in the Official Gazette, Series I No. II dated 13-6-98 and the Government Notification No. 2/23/93-Power dated 1-8-1996, published in the Official Gazette, Series I No.18 dated 2-8-96.

3. *Recovery of rebate benefits.*— Any person or any industrial consumer in the State of Goa who has already availed of the benefits of 25% rebate in pursuance of the Government Notifications dated 15-5-1996 and 1-8-1996 referred to in section 27 shall be liable to refund to the Chief Electrical Engineer, Government of Goa in such manner and within such time as may be notified by the Government the amount equivalent to the benefit of 25% rebate accrued to it.

4. *Liabilities and Payments.*— On and from the date of coming into force of this Act, liabilities, if any accruing to the State Government or payment, if any, to be made by the State Government, on account of the Government Notification dated 15-5-1996 and 1-8-1996 referred to in section 2, shall cease to exist and to be deemed to have been extinguished.

5. *Consequences on non-refund.*— All industrial consumers specified in section 2 and who fail to comply with the provisions of said section 2 within the stipulated period, shall be liable to pay interest on the sum due @ 18% per annum from the date of expiry of the period specified in section 2, till full refund is effected.

6. *Recovery of rebate amount and interest.*— On failure of any industrial unit to refund the amount under the provision of section 2 and or to pay the interest specified in section 3, the same shall be recovered as arrears of Land Revenue under the Law for the time being in force.

7. *Power to make Rules.*— The Government may, by Notification in the Official Gazette, make rules for carrying to effect the provisions of this Act.

8. *Power to remove difficulties.*— (1) If any difficulty arises in giving effect to the provisions

of this Act, the Government, may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of a period of 2 years from the date of commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before the State Legislature.

9. *Power to exempt.*— Notwithstanding anything contained in this Act, the Government may, for reasons to be recorded in writing and in public interest, exempt such class of consumers as it thinks fit, from refunding to the Government the amount referred to in section 2.

#### Statements of Objects and Reasons

The Hon. High Court Bombay at Goa vide its Oral Judgement dated April, 19, 23 and 24, 2001, delivered in the said Writ Petition No. 316 of 1998, held that the said Notifications dated 15-5-1996 and 1-8-1996 cannot be termed as Government decisions on account of non-compliance of the Rules of Business framed under Article 166(3) of the Constitution of India and, that therefore, these decisions are *non est* and *void ab initio* and that the consequential actions based on these Notifications are null and void. The Government has therefore deemed it expedient to prohibit any further payments under the said Notification dated 15-5-1996 and 1-8-1996 and to recover the benefits already availed of by certain consumers as 25% rebate in terms of the said Notifications. This Bill seeks to prohibit further payments under the said Notification i. e. no industrial consumer or any person in the State of Goa, including low tension, high tension or extra high tension, shall be entitled to receive, claim, demand or sue for the payment if any amount towards 25% rebate in the Electricity Tariff in terms of the said Notification. Further any person or any industrial consumer in the State of Goa who has already availed of the benefits of 25% rebate in pursuance of the said Notifications, shall be liable to refund to the Chief Electrical Engineer the amount equivalent to the benefit of 25% rebate accrued to it, except in such cases where the Government may for reasons to be recorded

in writing and in public interest, exempt such class of consumers as it thinks fit, from refunding to the Government such amount.

This Bill seeks to achieve the above objects.

Panaji-Goa, DIGAMBAR KAMAT  
14th January, 2002. Minister for Power

#### Financial Memorandum

The Government expects to recover around Rupees thirteen to fourteen crores of rebate already paid, and further to stop payments of around Rupees thirty six to thirty seven crores of rebate by this Bill.

#### Memorandum Regarding Delegated Legislation

The provisions of this Bill empower the Government to prohibit further payments of rebate to industrial consumers in terms of Notifications dated 15-5-1996 and 1-8-1996, as well as to recover such amounts paid to industrial consumers in terms of those Notifications.

This delegation is of normal character.

Assembly Hall, R. KOTHANDARAMAN  
Porvorim - Goa, Secretary (Legislature)  
14th January, 2002.

#### Governor's recommendation under Article 207 of the Constitution

In pursuance of Article 207 of the Constitution of India, I, Mohd. Fazal, Governor of Goa hereby recommend to the Legislative Assembly of Goa the introduction and consideration of the Goa (Prohibition of Further Payments and Recovery of Rebate Benefits) Bill, 2002.

LA/E-9/179/2002

The following Bill which was introduced in the Legislative Assembly of the State of Goa on 16-1-2002 is hereby published for general information in pursuance of the provisions of Rule-138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

## The Goa Panchayat Raj (Amendment) Bill, 2002

(Bill No. 12 of 2002)

A

BILL

further to amend the Goa Panchayat Raj Act, 1994

BE it enacted by the Legislative Assembly of the State of Goa in the Fifty-second Year of the Republic of India, as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Panchayat Raj (Amendment) Act, 2002.

(2) It shall come into force at once.

2. *Amendment of section 133.*— In section 133 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994), in sub-section (1), for the word "thirty" the word "sixty" shall be substituted.

## Statement of Objects and Reasons

In terms of rule 12 of the Goa Zilla Panchayat (Election of Adhyaksha and Upadhyaksha) Rules, 1997 the provisions of the said Rules shall apply *mutatis mutandis* for filling up of casual vacancy in the office of Adhyaksha or Upadhyaksha. The period of thirty days stipulated under section 133 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994) is not enough to hold an election for filling up a casual vacancy of Adhyaksha or Upadhyaksha as per the said Rules. This Bill therefore seeks to increase the said period of thirty days to sixty days.

This Bill seeks to achieve above objects.

## Financial Memorandum

No financial implications are involved in the proposed Bill.

## Memorandum Regarding Delegated Legislation

No delegated legislation is envisaged in the proposed Bill.

Panaji-Goa

14th January, 2002

MANOHAR AZGAOKAR

Minister for Panchayat Raj

Assembly Hall,

Porvorim-Goa,

14th January, 2002.

R. KOTHANDARAMAN

Secretary to the Legislative  
Assembly of Goa.

## ANNEXURE

An extract of the Goa Panchayat Raj Act, 1994  
(Goa Act 14 of 1994)

133. *Election of Adhyaksha and Upadhyaksha and term of Office.*— (1) The elected members of the Zilla Panchayat referred to in clause (i) of section 117 shall as soon as may be, choose two members from amongst them to be respectively Adhyaksha and Upadhyaksha thereof and so often as there is a casual vacancy in the office of the Adhyaksha or Upadhyaksha, they shall choose another members from amongst them to be Adhyaksha or Upadhyaksha within a period of thirty days of occurrence of such vacancy as the case may be.

(2) Save as otherwise provided in this Act, the Adhyaksha or Upadhyaksha shall hold office for the term of office of the members of the Zilla Panchayat.

(3) The elections of the Adhyaksha or the Upadhyaksha of the Zilla Panchayat and filling up of vacancies in the said offices and the determination of dispute relating to such election shall be in accordance with such rules as may be prescribed.

(4) There shall be reserved by the Government one office of Adhyaksha and one office of Upadhyaksha of the Zilla Panchayat to be filled by women:

Provided that the office reserved under this sub-section shall be allotted by rotation to different Zilla Panchayat.